



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VINCENT TERIO,

Plaintiff,

-v-

JOHN LOOSEN, Prosthetic Representative, Veterans
Administration of the Hudson Valley,

Defendant.

No. 08-CV-5267 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Defendant's Motion to Dismiss filed on July 31, 2008, is DENIED WITHOUT PREJUDICE for failure to comply with this Court's Individual Rule of Practice II.A, which sets forth procedure for pre-motion letters and conferences in civil cases.

Twice, this Court has issued orders giving Defendant until July 31, 2008, to answer or to *seek leave* to dismiss the Complaint. Presumably by failure to read this Court's Individual Rules of Practice, Defendant has missed this date.

Defendant shall have until Friday, August 8, 2008, to answer or to seek leave to dismiss the Complaint. The Clerk of Court is directed to terminate Defendant's Motion on the Docket.

SO ORDERED.

Dated: August 4, 2008
White Plains, New York

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE